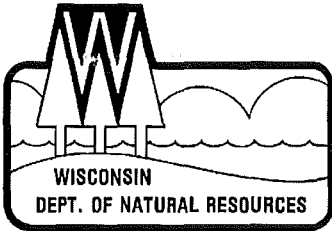


CR 93-78



George E. Meyer  
Secretary

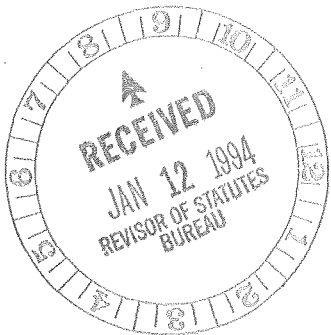
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN )  
 )  
DEPARTMENT OF NATURAL RESOURCES ) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FM-47-92 was duly approved and adopted by this Department on October 29, 1993. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

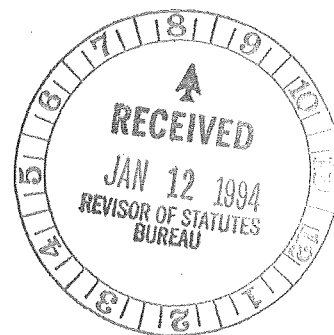


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 6th day of January, 1994.

*George E. Meyer*  
George E. Meyer, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN  
LAKE MICHIGAN COMMERCIAL FISHING BOARD  
AMENDING AND REPEALING AND RECREATING RULES



.....  
IN THE MATTER of amending ss. NR .  
25.07(3)(d) and 25.08(2m) and (5) .  
and repealing and recreating s. .  
NR 25.07(2)(a)1. and 1m. of the .  
Wisconsin Administrative Code .  
pertaining to chub permit .  
eligibility criteria and quota .  
transfers for commercial fishing .  
on Lake Michigan and Green Bay .  
.....

FM-47-92

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 29.085, 29.174(3), 29.33(1) and (7) and 227.11(2)(a), Stats.

Statutes interpreted: ss. 29.085 and 29.174(2)(a), Stats.

SECTION 1 of the order modifies the chub permit eligibility rules to eliminate the requirement that permit applicants own and use a 35' boat equipped with a power net lifter to harvest chubs in either the northern or the southern chub fishing zone under their permits.

SECTION 2 of the order deletes the requirement that applicants for chub permits elect to fish either the northern or southern chub fishing zone and allows an applicant who qualifies to fish both zones.

Unlike SECTIONS 1 and 2 (which will not take effect until July 1, 1994), SECTION 3 of the order will take effect the first day of the month following publication in the Wisconsin administrative register.

As a housekeeping measure, SECTION 3 deletes an obsolete reference to the transfer of forage fish trawling permits. It also amends the quota transfer approval process for Lake Michigan and Green Bay only. It provides that the department, on behalf of the Lake Michigan commercial fishing board, must act on all Lake Michigan and Green Bay individual licensee catch quota transfer requests. The department must grant all requests which it determines meet the criteria set out in rules of the

commercial fishing board. By delegating this ministerial duty to the department, the commercial fishing board will no longer have to act on each individual quota transfer request.

However, under the new approval process, the board may review the department's reasons for denying any specific transfer request, but it would not have to review all denials. If the board disagrees with the department's factual reasons for denial in a particular case, it could ask the department to re-investigate the matter or it could overrule the department and grant the transfer if the evidence before it showed that the department erred in making its original decision. (The board's participation in license transfers is not affected by this rule change.)

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SECTION 1. NR 25.07(2)(a)1. and 1m. are repealed and recreated to read:

NR 25.07(2)(a)1. A chub fishing permit shall be issued under this subdivision to each applicant who selects the northern chub fishing zone under sub. (3)(d), is a licensed commercial fisher and held a Lake Michigan chub harvest permit for the northern chub fishing zone for the 1985-1986, 1986-1987 or 1987-1988 license year.

1m. A chub fishing permit and individual licensee catch quota shall be issued under this subdivision to each applicant who selects the southern chub fishing zone under sub. (3)(d) and is a licensed commercial fisher.

SECTION 2. NR 25.07(3)(d) is amended to read:

NR 25.07(3)(d) Applicants for Lake Michigan chub fishing permits and individual licensee catch quotas under ~~sub.(2)(a)1.~~

sub. (2)(a) shall select and designate on their application ~~either applications~~ the northern chub fishing zone ~~or~~ the southern chub fishing zone or both zones as the ~~zone waters~~ they wish to fish chubs in.

SECTION 3. NR 25.08(2m) and (5) are amended to read:

NR 25.08(2m) A northern chub fishing zone permit issued under s. NR 25.07(2)(a)1., ~~or a forage fish trawling permit issued under s. NR 25.07(2)(e)2.,~~ may be permanently transferred by the permit holder only in conjunction with the transfer of the permit holder's valid license authorizing commercial fishing in the outlying waters under s. NR 25.04.

(5) Individual licensee catch quota transfers shall be reviewed and approved or denied by the Lake Superior commercial fishing board ~~of the body of water for which the quota applies~~ or, for Lake Michigan and Green Bay, by the department. Such review and approval or denial shall occur no later than the next regular quarterly meeting of the appropriate Lake Superior commercial fishing board or, in the case of Lake Michigan and Green Bay, within 20 business days after receipt by the department of a complete transfer request. Lake Michigan and Green Bay individual licensee catch quota transfer requests which the department determines meet criteria in this section shall be granted by the department without further action by the Lake Michigan commercial fishing board. The Lake Michigan commercial